

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiff,

v.

MARK ZUCKERBERG, EDUARDO
SAVERIN, DUSTIN MOSKOVITZ, ANDREW
MCCOLLUM, CHRISTOPHER HUGHES
AND THEFACEBOOK, INC.,

Defendants.

CIVIL ACTION No.: 1:04-cv-11923
(DPW)

MARK ZUCKERBERG, and
THEFACEBOOK, INC.,

Counterclaimants,

v.

CONNECTU LLC, CAMERON
WINKLEVOSS, TYLER WINKLEVOSS, and
DIVYA NARENDRA,

Counterdefendants.

**DECLARATION OF ROBERT B. HAWK IN SUPPORT OF DEFENDANT
EDUARDO SAVERIN'S OPPOSITION TO CONNECTU'S MOTION TO
COMPEL PRODUCTION OF DOCUMENTS IN RESPONSE TO REQUEST
NOS. 42, 44-46, 70-71, 85-96, 98-105, 107-110, 113, AND 169**

I, Robert B. Hawk, declare as follows:

1. I am an attorney licensed to practice law in the State of California and in this United States District Court, and am a shareholder at the law firm of Heller Ehrman LLP, counsel for Defendant Eduardo Saverin in this action. I have personal knowledge of the facts set forth in this declaration unless otherwise indicated, and if called as a witness, could competently testify thereto.

2. Defendant Saverin has not withheld any documents responsive to Document Request Nos. 42, 44-46, 70-71, 85-95, 98-105, 107-110, and 113. With respect to responsive documents created on or before May 21, 2004, all responsive documents have been produced, because Mr. Saverin produced all documents pertaining in any way to TheFacebook with a date of or prior to May 21, 2004. With respect to documents dated after May 21, 2004, we have not searched for documents responsive to the requests at issue in this Motion -- because all defendants originally objected to producing such documents and because ConnectU's counsel did not press in meet and confer for Defendant Saverin to agree to produce documents in response to these specific requests. That was not surprising, given that all but two of the requests seek documents for which other defendants are much more logical sources than Mr. Saverin.

3. We have consistently asserted objections to Request No. 96, and have never indicated that Defendant Saverin would produce his tax returns.

4. On September 12, 2005, I asked counsel for ConnectU, John Hornick, to clarify whether ConnectU's Motion to Compel Documents In Response to Document Request Nos. 42, 44-46, 70-71, 85-96, 98-105, 107-110, 113 and 169 was directed to Defendant Saverin. Mr. Hornick refused. Attached as Exhibit 1 hereto is a true and correct copy of the email exchanges between Mr. Hornick and me, in which Mr. Hornick initially refused to clarify the intent of his motion and ultimately refused to narrow the motion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 22nd day of September, 2005, at Menlo Park, California.

A handwritten signature in black ink, appearing to read "Robert B. Hawk", written over a horizontal line.

Robert B. Hawk